

CALL FOR APPLICATIONS
MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION (MCAD)

Attorney General Andrea Joy Campbell, as an appointing authority, hereby gives public notice that she is seeking applicants to serve on the Massachusetts Commission Against Discrimination (MCAD), pursuant to G.L. c. 6, § 56(b) as amended by § 5 of c. 9 of the Acts of 2025.

MCAD Commissioner Job Description

General Statement of Duties and Responsibilities

The Massachusetts Commission Against Discrimination (MCAD) enforces the Commonwealth's anti-discrimination laws in the areas of employment, housing, public accommodations, mortgage lending, credit, and education. It does so through the investigation, prosecution and adjudication of complaints filed with the agency. As of January 1, 2026, the MCAD has five Commissioners, three appointed by the Governor and two appointed by the Attorney General, each for a three-year term. At least two of the five Commissioners shall reside in Barnstable, Berkshire, Bristol, Franklin, Hampden, Hampshire, Plymouth or Worcester county. The Chair, appointed by the Governor, serves in a full-time role. The other four Commissioners serve on a per diem basis. The MCAD expects the time commitment for per diem Commissioners to be fewer than five hours per week on average.¹

The Commissioners have broad statutory authority pursuant to M.G.L. c. 151B and c. 6, § 56 to carry out the MCAD's mission to eradicate discrimination in the Commonwealth, primarily through public facing policy making, promulgating regulations, and rendering final decisions of appeals to the Full Commission from decisions issued by MCAD hearing officers. In all these endeavors, it is well established that the MCAD and its Commissioners are empowered to broadly interpret the law to achieve its important remedial purpose. All five Commissioners equally share these powers and duties. However, the Chair holds additional authority by virtue of their leadership role among the Commissioners and full-time employment status.

A quorum vote of three Commissioners is required to conduct the "business of the Commission" as dictated by M.G.L. c. 6, § 56. All Commission business for which a quorum of Commissioners is required is subject to the process mandated by the Open Meeting Law (OML), M.G.L. c. 30A, §§ 18-25 as well as the MCAD's Open Meeting Process and Procedure (effective July 12, 2022). Accordingly, the Commissioners must attend regular Commission Meetings, with agenda and notice posting requirements that comply with the OML. The Commissioners must also strictly adhere to the OML

¹ MCAD will cap per diem compensation at no more than 5 per diem payments per week, except for weeks in which a monthly Commission Meeting is scheduled. Commissioners will also receive one per diem payment for attendance at (and preparation for) a monthly Commission Meeting. (Per diem rate is \$75 per day, irrespective of number of hours worked, and five or fewer hours worked on different days within a single week will be consolidated into one per diem payment.) Commissioners will need to document their hours and days worked on an MCAD-provided Per Diem Payment Request Form. MCAD will pay for travel and parking for Commissioners as necessary and requested, and all Commissioners are eligible for Commonwealth earned sick time. Per diem Commissioners are not eligible for Commonwealth state employee benefits, however, including, but not limited to, state retirement benefits, paid vacation or personal time accrual, health insurance, deferred compensation, holiday pay, overtime or compensation time.

restrictions on communications, understanding that discussions among three or more Commissioners outside of a properly posted open meeting must be clearly covered by an OML exception, e.g., communications purely social in nature, or deliberations for the purpose of making a decision in a quasi-judicial proceeding (i.e., Full Commission decisions). The Chair is responsible for setting the agenda for Commission meetings, in consideration of agenda items requested by the other Commissioners. The four per diem Commissioners will be compensated for the time spent attending, commuting to, and preparing for these meetings, as well as for the time spent fulfilling other duties outlined herein.

Through their substantive work, the Commissioners play a central role in interpreting state anti-discrimination law through the development of MCAD regulations and guidelines public facing policy, and when issuing final decisions as members of the Full Commission. The substantive work is the Commissioners' primary work. The authority to direct all day-to-day operations and oversee administration and personnel is statutorily with the MCAD Executive Director. The Executive Director serves as the executive, operational and administrative head of the agency, and is responsible for the overall management of the agency including but not limited to all personnel management and hiring. The Executive Director is hired by and reports to the Commissioners and is expected to communicate with the Commissioners openly and collaboratively in the execution of their duties.

The following details the Commissioners' duties and responsibilities, and the differences between the Chair's role and those of the other Commissioners.

Detailed Duties of all Commissioners

Mission Based Decisions: Make decisions with the understanding that the anti-discrimination laws are to be broadly interpreted for their remedial purposes

Strategic Planning: Participate in defining the Commission's vision, goals, and objectives for strategic planning, in collaboration with the Executive Director

Policy and Regulatory Oversight: Set policy for enforcing civil rights laws via approval and promulgation of regulations, guidelines, and public-facing policy

Appeals of Investigative Dismissals: Decide appeals of investigative dismissals based on the written appeal papers, with the benefit of a recommendation made by MCAD staff; the decision on the appeal will be to remand the case for more investigation, affirm the dismissal, or authorize a finding of probable cause, allowing for the conciliation of the complaint and further process

Conciliation of Probable Cause Cases: Work to resolve probable cause cases prior to a public hearing using mediation techniques between disputants or otherwise facilitating settlement. **NOTE:** *The Chair regularly performs this duty; the per diem Commissioners would do so occasionally, per assignment to a case by the Chair*

Public Hearings: On very rare occasions, Commissioners may conduct public hearings where probable cause was found which include pre-hearing, motion or status conferences, determine liability, draft, finalize and issue hearing decisions, and award damages when appropriate. **NOTE:** *Commissioners generally do not perform this duty given the availability of MCAD hearing officers and conflicts inherent in the Chair's role*

Full Commission Appeals: Decide appeals of hearing decisions to the Full Commission

Public Education and Outreach: Educate the public by presenting and speaking on the anti-discrimination laws through public appearances that highlight important MCAD decisions or actions

Legislative Review: Review proposed legislation and changes to anti-discrimination law and make recommendations; from time to time propose new legislation when changes to anti-discrimination law serve the MCAD's mission

Executive Director Oversight: Participate in the hiring and annual review performance evaluation of the Executive Director in compliance with the OML

Commission Meetings: Attend regular Commission Meetings held pursuant to the OML; vote on matters identified by the Chair and review reports or proposals from the Executive Director and senior management calling for Commissioner input, collaboration, or decision making

Duties Exclusive to the Chair

Case Assignments: Assign cases to individual Commissioners, including designating a Commissioner to serve as the Hearing Commissioner (rare)

Commission Meeting Management: Set the agenda and date for Commissioners' meetings subject to the OML and determine which matters will be brought for a vote

Authorization of Probable Cause Findings: Review and authorize probable cause determinations recommended by the Investigations Unit staff. **NOTE:** *The Chair is primarily responsible for this function; however, another Commissioner may be assigned when the Chair has a conflict or is otherwise unavailable*

Oversight of Probable Cause Cases: Overseeing cases post probable cause; the Chair is ultimately responsible for decision making in the public interest for cases post probable cause, up the point of certification of cases to public hearing; this authority includes overseeing the discovery process and deciding discovery and other motions

Certification of Cases for Public Hearing: Hold certification conferences and otherwise determine whether certifying cases with probable cause findings and allowing such cases to go to public hearing is in the public interest

Preferred Requirements

A Law degree, master's degree or other graduate-level degree related to the substantive work of the Commissioners

Experience with state and / or federal anti-discrimination law

Experience with administrative law and conducting adjudicatory proceedings

Legal research and writing experience including the preparation of adjudicatory decisions

Strong planning, research, and organization skills with the ability to conduct research on a broad range of subjects

Familiarity with or working knowledge of the Commonwealth's Open Meeting Law

Exemplary ethical standards

Superior writing, analytical and verbal presentation skills

Ability to take initiative, use sound judgment, resolve problems and work effectively, respectfully, and collaboratively with all levels of staff and constituents

Experience working in or with state government

Multilingual or fluent in more than one language

Ability to solve complex problems and engage Commissioners and key staff in the decision-making process

Reputation for good character, honesty, and integrity

Capable of managing multiple tasks under pressure and have tight deadlines

Persons interested in being considered for this position should send a letter of interest and resume by October 31, 2025, to GCOMailbox@mass.gov.